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CRIME VICTIMS COMPENSATION ACT

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CRIME VICTIMS COMPENSATION INFORMATIONAL PAMPHLET

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**DIVISION OF
WORKERS'
COMPENSATION**



Prepared
by
Division of Worker's Compensation
815 Front Street
Helena, Montana

SEP 6 1985

SUMMARY OF THE CRIME VICTIMS COMPENSATION ACT

What is the Crime Victims Compensation Law?

The Crime Victims Compensation Act creates a fund which pays certain compensation and medical benefits to innocent victims who suffer bodily injury or death as a result of criminally injurious conduct.

What are the Revenue Sources?

The primary revenue source is six percent of all fines assessed or bails forfeited on all offenses involving a violation of a state statute or city ordinance relating to the operation or use of motor vehicles, except parking violations. Revenue may also be received from convicted offenders if the court sets such a payment as a condition of probation or parole, or from the offender through a civil action. In addition, the fund may receive federal funding should it become available through Congressional action.

Who is Eligible for the Benefits?

Benefits are paid to innocent victims of criminal acts, who suffer bodily injury or death as a result of criminally injurious conduct. However, unless the interest of justice otherwise require, benefits are not paid to a spouse, parent, child, brother or sister, or other person living in the same household with the offender. Nor are benefits paid to the offender or an accomplice.

What Benefits are Available?

MEDICAL BENEFITS—The claimant is entitled to be reimbursed for reasonable services by a physician or surgeon, and reasonable hospital services, medicines, and such other treatment as approved by the Division of Workers' Compensation.

COMPENSATION BENEFITS—The claimant is entitled to weekly compensation in the amount of 66 2/3% of the total actual wage loss subject to a maximum of \$125 a week. The claimant must suffer a wage loss for one week before compensation is due, and then compensation is paid from the date wage loss began. Benefits are continued until the claimant has a reasonable prospect of returning to work. The Division may also award compensation benefits not to

exceed \$100 per week to claimants who were unemployed but employable at the time of injury.

Amounts payable as weekly compensation may not be commuted to a lump sum and may not be paid less frequently than every two weeks.

DEATH BENEFITS—If any injury causes death, the spouse and dependents are entitled to the same compensation benefits as the claimant until the spouse remarries or the other dependents lose their dependent status. Reasonable funeral and burial expenses are also paid up to \$1100.

REHABILITATION BENEFITS—To the extent funds are available, claimants are entitled to the rehabilitation services offered by the State of Montana.

What are the Benefit Limits?

If the claimant suffered a wage loss, the compensation and medical benefits paid to the claimant, spouse or dependents may not exceed \$25,000. If the claimant was unemployed but was employable at the time of injury, the total medical and compensation benefits may not exceed \$20,000. The benefit provisions of the Act are effective for injuries resulting from criminal conduct which occurred on and after January 1, 1978.

How Does the Claimant Apply for Benefits?

The claimant must submit a claim form to the Division's Crime Victims Unit within one year after the day the criminally injurious conduct occurred. Claim forms are available by writing to the Division at 815 Front Street, Helena, Montana or by telephoning Area Code 406-449-5633 or 449-2047.

What are the Other Requirements the Claimant Must Meet?

The law places several requirements on the claimant and restrictions on the amount of benefits available.

1. Compensation may not be awarded unless the criminally injurious conduct is reported to a law enforcement officer within 72 hours, unless it is found that there was good cause for the failure to report within that time.

2. The claimant must fully cooperate with all law enforcement agencies and prosecuting attorneys in the apprehension and prosecution of the offender, or benefits may be denied, reconsidered, or reduced. Benefits are available whether or not any person is prosecuted or convicted.

3. The claimant's benefits are reduced by amounts received or available from collateral sources. Collateral sources include:

- Social Security
- Medicare
- Medicaid
- welfare
- workers' compensation
- medical or health and accident insurance
- sick leave
- employer wage continuation plans
- disability insurance
- loss of wage insurance
- life insurance
- veterans benefits

A claimant must seek benefits from a collateral source before receiving benefits from the Crime Victims Compensation Act.

What Appeal Procedures are Available?

After the Division has made its final determination concerning any matter relating to the claim, the claimant may appeal any disputed matter to the Workers' Compensation Judge. A decision by the Workers' Compensation Judge can be appealed to the State Supreme Court.

For More Information

For further information about compensation benefits for victims of crime, contact the Crime Victims Unit at the Division of Workers' Compensation, 815 Front Street, Helena, Montana 59601.

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DEPARTMENT OF LABOR AND INDUSTRY

**DIVISION OF
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